

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**NORTHERN DIVISION**

**U.S.A. vs. Jon C. Tolson**

**Docket No. 2:13-MJ-1151-1BO**

**Petition for Action on Probation**

COMES NOW J. Brock Knight, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Jon C. Tolson, who, upon an earlier plea of guilty to Operating a Motor Vehicle Under the Influence of Alcohol With BAC Greater Than .08, in violation of 36 C.F.R. § 4.23(a)(2), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on November 4, 2013, to a 12- month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall surrender his North Carolina Driver's License to the Clerk of this Court for mailing to the North Carolina Department of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms of a limited driving privilege issued by an appropriate North Carolina Judicial Official. This condition is suspended for (60) days.
2. The defendant shall not go on or enter any National Park Service property during the probationary term.

A Violation Report was submitted to the court on January 28, 2014, documenting new criminal conduct, Driving While License Revoked, No Motorcycle Endorsement, Expired/No Inspection, Drive/Allow Motor Vehicle No Registration, and Operate a Motor Vehicle No Insurance, that occurred on December 21, 2013. The defendant was verbally reprimanded for this conduct and was continued on probation under the same conditions as previously imposed.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

On March 2, 2014, the defendant was arrested and charged in Buxton, North Carolina, with Driving While Impaired (14CR50249). The charge is pending adjudication in Dare County District Court. When confronted by the undersigned probation officer on March 11, 2014, the defendant admitted he was operating his moped after consuming alcohol and expressed sincere remorse for his conduct. Release from state custody was authorized on March 3, 2014, after the defendant posted a \$2,000 secured bond. As a sanction for this conduct, service of 14 days custody and participation in substance abuse treatment are recommended.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 14 consecutive days and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ J. Brock Knight  
J. Brock Knight  
U.S. Probation Officer  
201 South Evans Street, Room 214  
Greenville, NC 27858-1137  
Phone: 252-758-7200  
Executed On: March 14, 2014

**ORDER OF COURT**

Considered and ordered this 19 day of March, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge